

Appellate Cause No. 06-20-00040-CR  
Trial Court No. 18F1367-202

Cornell Witcher  
Appellant

v.

State of Texas  
Appellee

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ON APPEAL FROM THE

FILED IN  
6th COURT OF APPEALS  
202nd JUDICIAL DISTRICT  
TEXARKANA, TEXAS

10/20/2020 4:12:37 PM

DEBBIE AUTREY  
BOWIE COUNTY CLERK TEXAS

**FIRST MOTION TO EXTEND TIME FOR FILING STATE'S BRIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas and hereby requests a thirty-day extension of the time period for the filing of the State's Brief:

I.

1. Appellant was found guilty of Continuous Sexual Abuse of a Child. The jury sentenced the defendant to Life.

2. The State's Brief was due on or about October 16, 2020.

3. The State has not previously requested an extension of time.

4. The Brief was not timely prepared because the following since Appellant's brief was filed:

- Preparation for trial on a Sexual Assault on Michael Pickett v. State, Cause No. 18F1097-102, which was scheduled for October 27, 2020. However, the defense counsel tested positive for COVID and this trial was re-scheduled.
- Preparation for trial on a Aggravated Assault with a Deadly Weapon and Unlawful Possession of Firearm by Felon in Jkerrien Finley v. State, Cause Nos. 20F0167-102 and 20F0159-102, which was scheduled for trial on October 27, 2020. The defendant plead on October 20, 2020.
- Preparation for trial on Dreylund Edwards v. State, Cause No. 18F1217-102, which was tried on September 29, 2020.
- Preparation for bench trial on James Bailey v. State, Cause No. 17F0327-102, which was set for October 14, 2020. This case was continued shortly prior to trial because of increase of COVID in jail.
- Preparation for trial on Elgin Hollingsworth v. State, Cause No. 20F0507-102, a murder set for trial on October 27, 2020. COVID caused the trial schedule in Bowie County, Texas to change (only one district court trial per week). The original trial

was scheduled for October 13, 2020. It was changed to October 27, 2020. However, the defense counsel had a conflict with this date.

- Preparation of brief in In the Matter of ARG, Cause No. 06-20-00040-CV.
- Preparation of Bowie County Grand Jury on October 8, 2020.
- Preparation for and meetings on pre-trial felony dockets in the 102nd District Court on October 6, 2020.

## II.

The State's attorney has been diligent in pursuing this appeal and is not seeking this extension for the purpose of delay.

### **PRAYER**

WHEREFORE, on the bases of Rule 73 of the Texas Rules of Appellate Procedure, the State respectfully requests this Court to grant the Motion for Extension of Time for the filing of the State's Brief.

Respectfully submitted,

/s/ Randle Smolarz

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Assistant District Attorney

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Motion to Extend Time for Filing State's Brief was forwarded to counsel of record on October 20, 2020.

/s/ Randle Smolarz

Randle Smolarz

### **Automated Certificate of eService**

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